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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/045,034

01/15/2002

Hiroyuki Nishi

NISHI=1

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03/17/2006

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EXAMINER

LY, ANH

ART UNIT

PAPER NUMBER

2162

DATE MAILED: 03/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/045,034

Applicant(s)

NISHI, HIROYUKI

Examiner

Anh Ly

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) 1-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 41-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is response to Applicant's RESPONSE filed on 01/03/2006.
2. Claim 50 has been cancelled.
3. Claims 41-49 and 51-52 are pending in this Application.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 41, 49 and 51 is recites the limitation "**the user**" and "**The limitation**" in lines 11 & 17 of claim 1, in the line 9 of claim 49, and the lines 16 and 22 of claim 51.

There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 41-42, 44-49 and 51-52, as the best understanding of examiner, are rejected under 35 U.S.C. 103(a) as being unpatentable over Pub. No.: US 2004/0163101 A1 of Swix et al. (hereinafter Swix) (continuation of appl. No. 09/467,889, filed on Dec. 21, 1999, in view of US Patent No.: 6,298,482 issued to Seidman et al. (hereinafter Seidman)).

With respect to claim 41, Swix teaches a receiving terminal device (fig. 1, item 108, set-top-box terminal a receiving station or device for receiving subscriber viewing commands from remote control device or control panel: section 0017);

a receiving part that receives a personal information collection information sent from a central system independently of contents (Set Top Box (STB) terminal, receiving part, receiving the viewer profile including multitude of viewer interaction, demographic, psychographic, viewing habits: abstract, sections 0014, 0017 and 0022; head-end, item 110, central system part is operated by a media service provider and are connected to STB through a distributed media delivery network such as a satellite, cable or fiber-optic network: sections 0016 and 0037);

an information collecting part that collects the personal information at a terminal which is limited to the personal information specified by the user, based upon the personal information collection information received (fig. 1, item 104, profile processor, information collecting part, section 0044; and limiting the data being defined in the customer profile: sections 0013 and 0035); and

wherein the limitation to the information collecting part includes a limitation relative to usage and disclosure of personal information (sections 0013, 0022 and 0035).

Swix teaches set top box terminal, receiving part, receiving /collecting the viewer/subscriber personal information or customer profile and the central part is the head-end from the provider. The profile processor, information collecting part, is used to construct the personal information. From the central system part to the receiving part, the information/data is controlled/run over by a distributed network, fiber-optic cable

(section 0037). Swix does not clearly teach setting range of personal information collection, and an information sending part that sends collected personal information to a central system.

However, Seidman teaches the format of viewer profile information containing age, sex of viewer (fig. 5) and Viewer Response Monitoring (VRM) as sending part for sending data/information via micro-controller, item 9, between head-end and STB (fig. 1, col. 6, lines 1-65).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Swix with the teachings of Seidman. One having ordinary skill in the art would have found it motivated to utilize the use of VRM for sending information between head end from the provider to the viewer Set top box terminal (Seidman's col. 6, lines 1-65), into the system of Swix for the purpose of delivering data from a server to a plurality of subscribers connected to the server, thereby, customizing the content of the program, which is delivered to the user, based on the customer's profile (col. 6, lines 1-25 and col. 1, lines 5-10).

With respect to claim 42, Swix teaches a receiving terminal device as discussed in claim 41.

Swix teaches set top box terminal, receiving part, receiving /collecting the viewer/subscriber personal information or customer profile and the central part is the head-end from the provider. The profile processor, information collecting part, is used to construct the personal information. From the central system part to the receiving part, the information/data is controlled/run over by a distributed network, fiber-optic cable

(section 0037). Swix does not clearly teach wherein the information sending part again sends the collected personal information when the information sending part has failed to send the collected personal information.

However, Seidman teaches viewer profile and view selection and the schedule of the program including time, date (figs. 1, 5, 7 and 9, col. 9, lines 40-67 and col. 10, lines 1-20).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Swix with the teachings of Seidman. One having ordinary skill in the art would have found it motivated to utilize the use of VRM for sending information between head end from the provider to the viewer Set top box terminal (Seidman's col. 6, lines 1-65), into the system of Swix for the purpose of delivering data from a server to a plurality of subscribers connected to the server, thereby, customizing the content of the program, which is delivered to the user, based on the customer's profile (col. 6, lines 1-25 and col. 1, lines 5-10).

With respect to claims 44-45, Swix teaches a receiving terminal as discussed in claim 41.

Swix teaches set top box terminal, receiving part, receiving /collecting the viewer/subscriber personal information or customer profile and the central part is the head-end from the provider. The profile processor, information collecting part, is used to construct the personal information. From the central system part to the receiving part, the information/data is controlled/run over by a distributed network, fiber-optic cable (section 0037). Swix does not clearly teach wherein when the collected personal

information is sent, a sending time data is sent together with the personal information; and wherein when the collected terminal device according personal information is sent, a content address data designating a location of content accessed by a user is sent together with the personal information.

However, Seidman teaches the schedule of the program including time, date (fig. 8, col. 9, lines 40-67 and col. 10, lines 1-20).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Swix with the teachings of Seidman, One having ordinary skill in the art would have found it motivated to utilize the use of VRM for sending information between head end from the provider to the viewer Set top box terminal (Seidman's col. 6, lines 1-65), into the system of Swix for the purpose of delivering data from a server to a plurality of subscribers connected to the server, thereby, customizing the content of the program, which is delivered to the user, based on the customer's profile (col. 6, lines 1-25 and col. 1, lines 5-10).

With respect to claim 46, Swix teaches wherein, when sending the collected personal information, the receiving terminal device fetches contents address data collection information indicating whether to collect information perfectly or partially matching the contents address data from the personal information collection information, and according to the information in the address data collection, collects the information and sends the collected personal information (searching the content of program from event list: sections 0051-0053).

With respect to claim 47, Swix teaches wherein when the collected personal information sent, user identification data indicating who accessed the contacts data indicated by a content address data added and sent together with the personal (user identification: section 0056).

With respect to claim 48, Swix teaches a receiving terminal as discussed in claim 41.

Swix teaches set top box terminal, receiving part, receiving /collecting the viewer/subscriber personal information or customer profile and the central part is the head-end from the provider. The profile processor, information collecting part, is used to construct the personal information. From the central system part to the receiving part, the information/data is controlled/run over by a distributed network, fiber-optic cable (section 0037). Swix does not clearly teach wherein a personal information provision information including a utility condition of a collected personal information specified by the user is sent.

However, Seidman teaches the selected data to be sent to the user (fig. 3, col. 8, lines 12-50).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Swix with the teachings of Seidman, One having ordinary skill in the art would have found it motivated to utilize the use of VRM for sending information between head end from the provider to the viewer Set top box terminal (Seidman's col. 6, lines 1-65), into the system of Swix for the purpose of delivering data from a server to a plurality of subscribers connected to the

server, thereby, customizing the content of the program, which is delivered to the user, based on the customer's profile (col. 6, lines 1-25 and col. 1, lines 5-10).

With respect to claim 49, Swix teaches a personal information collection information creating part that creates personal information collection information and being limited to the personal information that is specified by the user (Set Top Box (STB) terminal, receiving part, receiving the viewer profile including multitude of viewer interaction, demographic, psychographic, viewing habits: abstract, sections 0014, 0017 and 0022; head-end, item 110, central system part is operated by a media service provider and are connected to STB through a distributed media delivery network such as a satellite, cable or fiber-optic network: sections 0016 and 0037; fig. 1, item 104, profile processor, information collecting part, section 0044; and limiting the data being defined in the customer profile: sections 0013, 0022 and 0035).

Swix teaches set top box terminal, receiving part, receiving /collecting the viewer/subscriber personal information or customer profile and the central part is the head-end from the provider. The profile processor, information collecting part, is used to construct the personal information. From the central system part to the receiving part, the information/data is controlled/run over by a distributed network, fiber-optic cable (section 0037). Swix does not clearly teach setting range of personal information collection, and a personal information collection information sending part that sends collected personal information; wherein the personal information collection information sending part sends data or time data on which a receiving terminal device sends

information collected thereby as the personal information collection information personal information.

However, Seidman teaches the format of viewer profile information containing age, sex of viewer (fig. 5) and Viewer Response Monitoring (VRM) as sending part for sending data/information via micro-controller, item 9, between head-end and STB (fig. 1, col. 6, lines 1-65) and the schedule of the program including time, date (fig. 8, col. 9, lines 40-67 and col. 10, lines 1-20).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Swix with the teachings of Seidman, One having ordinary skill in the art would have found it motivated to utilize the use of VRM for sending information between head end from the provider to the viewer Set top box terminal (Seidman's col. 6, lines 1-65), into the system of Swix for the purpose of delivering data from a server to a plurality of subscribers connected to the server, thereby, customizing the content of the program, which is delivered to the user, based on the customer's profile (col. 6, lines 1-25 and col. 1, lines 5-10).

With respect to claim 51, Swix teaches a viewing history using system that uses a communication network to send and receive data (viewing habits: abstract, 0014, 0022 and 0044), comprising:

A central system apparatus including a personal collection information creating part that creates a personal information collection information; a receiving part terminal device including a receiving part that receives a personal information collection information; and an information collecting part that collects the personal information at a

terminal which is limited to the personal information that is specified by the user, based on the personal information collection information received; and wherein the limitation to the information collecting part includes a limitation relative to usage disclosure of personal information (a central system (fig. 1, item 110, head end from the provider) Set Top Box (STB) terminal, receiving part, receiving the viewer profile including multitude of viewer interaction, demographic, psychographic, viewing habits: abstract, sections 0014, 0017 and 0022; head-end, item 110, central system part is operated by a media service provider and are connected to STB through a distributed media delivery network such as a satellite, cable or fiber-optic network: sections 0016 and 0037; fig. 1, item 104, profile processor, information collecting part, section 0044; and limiting the data being defined in the customer profile: sections 0013, 0022 and 0035).

Swix teaches set top box terminal, receiving part, receiving /collecting the viewer/subscriber personal information or customer profile and the central part is the head-end from the provider. The profile processor, information collecting part, is used to construct the personal information. From the central system part to the receiving part, the information/data is controlled/run over by a distributed network, fiber-optic cable (section 0037). Swix does not clearly teach setting range of personal information collection, and a personal information collection information sending part that sends collected personal information; wherein the personal information collection information sending part sends data or time data on which a receiving terminal device sends information collected thereby as the personal information collection information personal information.

However, Seidman teaches the format of viewer profile information containing age, sex of viewer (fig. 5) and Viewer Response Monitoring (VRM) as sending part for sending data/information via micro-controller, item 9, between head-end and STB (fig. 1, col. 6, lines 1-65) and the schedule of the program including time, date (fig. 8, col. 9, lines 40-67 and col. 10, lines 1-20).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Swix with the teachings of Seidman, One having ordinary skill in the art would have found it motivated to utilize the use of VRM for sending information between head end from the provider to the viewer Set top box terminal (Seidman's col. 6, lines 1-65), into the system of Swix for the purpose of delivering data from a server to a plurality of subscribers connected to the server, thereby, customizing the content of the program, which is delivered to the user, based on the customer's profile (col. 6, lines 1-25 and col. 1, lines 5-10).

With respect to claim 52, Swix teaches a viewing history using system as discussed in claim 51.

Swix teaches generating a view profile storing at the STB, as well as the demographic, psychographic of the view to be performed within the television viewing environment. The profiling of viewers is based on their viewing preferences and other interactions. And the head end (item 210) delivers program content to the STB and may receive commands and viewer profiles from the STB. Swix does not clearly teach wherein said information sending part comprises means for sending a personal information provision information including a collection range information of a personal

information specified by the user.

However, Seidman teaches sending viewer profile to database server (figs. 3 & 4, sections 0027-0028); advertising server to collect viewer profile from the advertising viewers and link advertising content to the profile, it is also a central system (abstract, section 0003 and 0006-0007).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Swix with the teachings of Seidman, One having ordinary skill in the art would have found it motivated to utilize the use of a central system and sending collected personal information to central system as disclosed (Seidman's abstract, sections 0006-0007), into the system of Swix for the purpose of collecting the viewer's profile and to set the range for the viewer to watch a content of a program of a broadcast station or central system.

With respect to claim 52, Swix teaches a viewing history as discussed in claim 51.

Swix teaches set top box terminal, receiving part, receiving /collecting the viewer/subscriber personal information or customer profile and the central part is the head-end from the provider. The profile processor, information collecting part, is used to construct the personal information. From the central system part to the receiving part, the information/data is controlled/run over by a distributed network, fiber-optic cable (section 0037). Swix does not clearly teach wherein said information sending part comprises means for sending a personal information provision information including a collection range information of a personal information specified by the user.

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However, Seidman teaches viewer profile and view selection and the schedule of the program including time, date (figs. 1, 5, , 7 and 9, col. 9, lines 40-67 and col. 10, lines 1-20).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Swix with the teachings of Seidman, One having ordinary skill in the art would have found it motivated to utilize the use of VRM for sending information between head end from the provider to the viewer Set top box terminal (Seidman's col. 6, lines 1-65), into the system of Swix for the purpose of delivering data from a server to a plurality of subscribers connected to the server, thereby, customizing the content of the program, which is delivered to the user, based on the customer's profile (col. 6, lines 1-25 and col. 1, lines 5-10).

8. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pub. No.: US 2004/0163101 A1 of Swix et al. (hereinafter Swix) (continuation of appl. No. 09/467,889, filed on Dec. 21, 1999, in view of US Patent No.: 6,298,482 issued to Seidman et al. (hereinafter Seidman) and further in view of Pub. No. US 2003/0097657 A1 of Zhou et al. (hereinafter Zhou).

With respect to claim 43, Swix in view of Seidman discloses a receiving terminal device as discussed in claim 41.

Swix and Seidman disclose substantially the invention as claimed.

Swix and Seidman do not teach wherein the deletes information in the personal information database in a manner that information previously stored is discarded.

However, Zhou teaches user demographic profiles to be removed (section 0146).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Swix in view of Seidman with the teachings of Zhou incorporating the use of removing the personal information profile in the database. The motivation being for enabling the user to deliver data from a server to a plurality of subscribers connected to the server, thereby, customizing the content of the program, which is delivered to the user, based on the customer's profile (col. 6, lines 1-25 and col. 1, lines 5-10).


Contact Information


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh Ly whose telephone number is (571) 272-4039 or via E-Mail: ANH.LY@USPTO.GOV or fax to **(571) 273-4039**. The examiner can normally be reached on TUESDAY – THURSDAY from 8:30 AM – 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene, can be reached on (571) 272-4107 or **Primary Examiner Jean Corrielus (571) 272-4032**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, or faxed to: **Central Fax Center: (571) 273-8300**

ANH LY 
MAR. 9th, 2006


JEAN CORRIELUS
PRIMARY EXAMINER